PATENT Customer No. 22,852 Attorney Docket No. 06530.0290

## IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Reissue Application of:	)
Thomas O. BALES et al.	) Prior Group Art Unit: 3736
Original Patent No.: 6,024,708	) Prior Examiner: S. Gilbert
Original Patent Issue Date: February 15, 2000	)
For: RADIAL JAW BIOPSY FORCEPS	)
Box REISSUE Assistant Commissioner for Patents Washington, DC 20231 Sir:	

## SUBMISSION OF DOCUMENT EVIDENCING POWER TO ACT ON BEHALF OF ASSIGNEE

Applicants herewith submit, as a documentary evidence, "Limited Authorization to Act on Behalf of Assignee," which includes a statement that Robert M. Rauker (i.e., the person signing the Submission Under 37 C.F.R. § 3.73(b), Consent of Assignee, Statement of Inaccessible Original Patent, and Grant of Power of Attorney) is authorized to act on behalf of the Assignee, Symbiosis Corporation ("Assignee"), owner of the entire right, title, and interest in U.S. Patent No. 6,024,708 by virtue of an assignment.

The "Limited Authorization to Act on Behalf of Assignee" authorizes Robert M.

Rauker (1) to act on behalf of Symbiosis Corporation with regard to any matters before the U.S. Patent and Trademark Office, and (2) to execute power of attorney documents on behalf of Symbiosis Corporation to appoint and/or establish any attorneys, agents, and/or law firms to act on behalf of Symbiosis Corporation, and (3) to execute

FINNEGAN HENDERSON FARABOW GARRETT & DUNNER LLP

torney Docket No. 06530.0290

assignment and ownership documents on behalf of Symbiosis Corporation with regard to any matters before the U.S. Patent and Trademark Office.

If there are any fees due under 37 C.F.R. §§ 1.16 or 1.17 which are not enclosed herewith, please charge such fees to our Deposit Account No. 06-0916.

Respectfully submitted,

FINNEGAN, HENDERSON, FARABOW, GARRETT & DUNNER, L.L.P.

Dated: February 14, 2002

By: Leslie Bookoff

Reg. No. 38,084

FINNEGAN HENDERSON FARABOW GARRETT & DUNNER LLP

# CARDING CERTAIN PATENT MACOURS EFFECTIVE THROUGH: December 31, 2002

I, Paul W. Sandman, as Senior Vice President, Secretary, and General Counsel of Boston Scientific Corporation, the controlling corporation of:

AMS Medinvent S.A.; Boston Scientific BV; Boston Scientific Corporation Northwest Technology Center, Inc.; Boston Scientific Ireland Limited; Boston Scientific Japan KK; Boston Scientific Limited; Boston Scientific Scimed, Inc. (formerly known as Schneider (USA), Inc.); Cardiovascular Innovations Canada, Inc.; Corvita Canada, Inc.; Corvita Corporation; Corvita Europe S.A.; EP Technologies, Inc.; Laboratoires Corvita S.A.R.L.; Meadox Medicals, Inc.; NAMIC Eireann Limited; NAMIC International, Inc.; Nilo Holding, S.A.; Schneider (Europe) GmbH; Schneider Belgium NV; Schneider Holland BV; Schneider Ireland BV; Schneider Puerto Rico (formerly known as NAMIC Caribe, Inc.); Schneider/NAMIC; Scimed Life Systems, Inc.; Symbiosis Corporation; Target Therapeutics, Inc.; Cardiac Pathways Corporation; Interventional Technologies, Inc.; Embolic Protection, Inc.; Quanum Corporation; Smart Therapeutics, Inc.; Radio Therapeutics Corporation; and Catheter Innovations Corp.;

hereby authorize the following registered patent attorneys/agents (1) to act on behalf of any of the corporations identified above, including Boston Scientific Corporation, with regard to any matters before the United States Patent and Trademark Office, any foreign patent offices, and any international patent entities, (2) to execute power of attorney documents on behalf of any of the corporations identified above, including Boston Scientific Corporation, to appoint and/or establish any attorneys, agents, and/or law firms to act on behalf of any of the corporations identified above, including Boston Scientific Corporation, in any foreign or international patent applications filed with any foreign and/or international patent offices, and (3) to execute assignment and ownership documents on behalf of any of the corporations identified above, including Boston Scientific Corporation, with regard to any matters before the United States Patent and Trademark Office, any foreign patent offices, and any international patent offices:

Scott T. Bluni	
Mark J. Casey	
James R. Chiapetta	Reg. No. 39,634
Luke R. Dohmen	
Peter J. Gafner	Reg. No. 36,517
Albert K. Kau	
Steven A. McAuley	Reg. No. 46,084
Todd P. Messal	
Robert M. Rauker	
William J. Shaw	

Paul W. Sandman

Data

Senior Vice President, Secretary, and General Counsel

COMMONWEALTH OF MASSACHUSETTS

COUNTY OF MIDDLESEX

N

) **s**s.

On this 4th day of January, 2002 before me personally appeared Paul W. Sandman to me known and known to me to be the person described in and who executed the foregoing instrument, and he duly acknowledged to me that he executed the same for the uses and purposes set forth herein.

Notary Public





PATENT Customer No. 22,852 Attorney Docket No. 06530.0290

## IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

First Named Inventor:	)
Thomas O. Bales, et al.	)
Reissue Application for Patent No.: 6,024,708	) ) Prior Group Art Unit: 3736
Original Patent Issue Date: February 15, 2000	) Prior Examiner: S. Gilbert
For: RADIAL JAW BIOPSY FORCEPS	)
Box REISSUE Assistant Commissioner for Patents Washington, DC 20231 Sir:	

## CONSENT OF ASSIGNEE, STATEMENT OF INACCESSIBLE ORIGINAL PATENT, AND GRANT OF POWER OF ATTORNEY

Symbiosis Corporation ("Assignee"), owner of the entire right, title, and interest in U.S. Patent No. 6,024,708 by virtue of an assignment, recorded in the U.S. Patent Office at Reel 6019, Frame 0896, hereby consents to the filing of the above-identified reissue application.

Pursuant to 37 C.F.R. § 1.178, Symbiosis Corporation hereby states that the original patent is inassessible because Symbiosis Corporation, and its attorneys prosecuting the patent, did not receive the original Letters Patent 6,024,708, issued on February 15, 2000. Symbiosis Corporation petitioned for a replacement of the original Letters Patent on April 17, 2000 and the petition was granted on July 13, 2000, yet no replacement Letters Patent has been received thus far by Symbiosis Corporation or by its attorneys prosecuting the patent.

FINNEGAN HENDERSON FARABOW GARRETT & DUNNER LLP

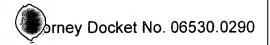
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Pursuant to 37 C.F.R. § 3.73(b), Assignee hereby states that the documents evidencing Assignee's ownership of the entire right, title, and interest in U.S. Patent No. 6,024,708 have been reviewed and that to the best of Assignee's knowledge and belief, title is in the Assignee.

Pursuant to 37 C.F.R. § 3.71, Assignee hereby grants power of attorney to FINNEGAN, HENDERSON, FARABOW, GARRETT & DUNNER, L.L.P. I hereby appoint the following attorney and/or agents to prosecute this application and transact all business in the Patent and Trademark Office connected therewith. FINNEGAN, HENDERSON, FARABOW, GARRETT & DUNNER, L.L.P., CUSTOMER NUMBER 22,852, Douglas B. Henderson, Reg. No. 20,291; Ford F. Farabow, Jr., Reg. No. 20,630; Arthur S. Garrett, Reg. No. 20,338; Donald R. Dunner, Reg. No. 19,073; Brian G. Brunsvold, Reg. No. 22,593; Tipton D. Jennings, IV, Reg. No. 20,645; Jerry D. Voight, Reg. No. 23,020; Laurence R. Hefter, Reg. No. 20,827; Kenneth E. Payne, Reg. No. 23,098; Herbert H. Mintz, Reg. No. 26,691; C. Larry O'Rourke, Reg. No. 26,014; Albert J. Santorelli, Reg. No. 22,610; Michael C. Elmer, Reg. No. 25,857; Richard H. Smith, Reg. No. 20,609; Stephen L. Peterson, Reg. No. 26,325; John M. Romary, Reg. No. 26,331; Bruce C. Zotter, Reg. No. 27,680; Dennis P. O'Reilley, Reg. No. 27,932; Allen M. Sokal, Reg. No. 26,695; Robert D. Bajefsky, Reg. No. 25,387; Richard L. Stroup, Reg. No. 28,478; David W. Hill, Reg. No. 28,220; Thomas L. Irving, Reg. No. 28,619; Charles E. Lipsey, Reg. No. 28,165; Thomas W. Winland, Reg. No. 27,605; Basil J. Lewris, Reg. No. 28,818; Martin I. Fuchs, Reg. No. 28,508; E. Robert Yoches, Reg. No. 30,120; Barry W. Graham, Reg. No. 29,924; Susan Haberman Griffen, Reg. No. 30,907; Richard B. Racine, Reg. No. 30,415; Thomas H. Jenkins,

FINNEGAN HENDERSON FARABOW GARRETT& DUNNER Ψ





Reg. No. 30,857; Robert E. Converse, Jr., Reg. No. 27,432; Clair X. Mullen, Jr., Reg. No. 20,348; Christopher P. Foley, Reg. No. 31,354; John C. Paul, Reg. No. 30,413; Roger D. Taylor, Reg. No. 28,992; David M. Kelly, Reg. No. 30,953; Kenneth J. Meyers, Reg. No. 25,146; Carol P. Einaudi, Reg. No. 32,220; Walter Y. Boyd, Jr., Reg. No. 31,738; Steven M. Anzalone, Reg. No. 32,095; Jean B. Fordis, Reg. No. 32,984; Barbara C. McCurdy, Reg. No. 32,120; James K. Hammond, Reg. No. 31,964; Richard V. Burgujian, Reg. No. 31,744; J. Michael Jakes, Reg. No. 32,824; Thomas W. Banks, Reg. No. 32,719; Christopher P. Isaac, Reg. No. 32,616; Bryan C. Diner, Reg. No. 32,409; M. Paul Barker, Reg. No. 32,013; Andrew Chanho Sonu, Reg. No. 33,457; David S. Forman, Reg. No. 33,694; Vincent P. Kovalick, Reg. No. 32,867; James W. Edmondson, Reg. No. 33,871; Michael R. McGurk, Reg. No. 32,045; Joann M. Neth, Reg. No. 36,363; Gerson S. Panitch, Reg. No. 33,751; Cheri M. Taylor, Reg. No. 33,216; Charles E. Van Horn, Reg. No. 40,266; Linda A. Wadler, Reg. No. 33,218; Jeffrey A. Berkowitz, Reg. No. 36,743; Michael R. Kelly, Reg. No. 33,921; James B. Monroe, Reg. No. 33,971; Doris Johnson Hines, Reg. No. 34,629; Allen R. Jensen, Reg. No. 28,224; Lori Ann Johnson, Reg. No. 34,498; David A. Manspeizer, Reg. No. 37,540; Leslie I. Bookoff, 38,084. Please send all future correspondence concerning this application to Finnegan, Henderson, Farabow, Garrett & Dunner, L.L.P. at the following address:

FINNEGAN, HENDERSON, FARABOW, GARRETT & DUNNER, L.L.P. 1300 | Street, N.W. Washington, D.C. 20005-3315

FINNEGAN HENDERSON FARABOW GARRETT & DUNNER LLP

orney Doc

The undersigned (whose title is supplied below) is empowered to sign this

Consent of Assignee, Statement of Inaccessible Original Patent, and Grant of Power of

Attorney on behalf of the Assignee.

Signature: Robert h Kauker

Name: Robert M. Rauker

Title: Senior Patent Counsel

Date: February 11, 2002

FINNEGAN HENDERSON FARABOW GARRETT& DUNNER LLP

PATENT Customer No. 22,852 Attorney Docket No. 06530.0290

## Submission Under 37 CFR 3.73(b)

Applicant: Thomas O. BALES, et al.

Reissue Application of U.S. Patent No. 6,024,708, issued on February 15, 2000

For: RADIAL JAW BIOPSY FORCEPS

Symbiosis Corporation, a corporation of Florida

submits that it is the assignee of the entire right, title and interest in the patent application identified above by virtue of either:

A. An assignment from the inventors of the patent application identified above. The assignment was recorded in the Patent and Trademark Office at Reel 6019, Frame 0896.

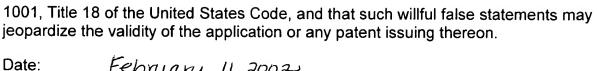
OR

- B. A chain of title from the inventor(s), of the patent application identified above, to the current assignee as shown below:
  - From: To:
     The document was recorded in the Patent and Trademark Office at Reel,
     Frame, or for which a copy thereof is attached.
  - From: To:
     The document was recorded in the Patent and Trademark Office at Reel,
     Frame, or for which a copy thereof is attached.
  - From: To:
     The document was recorded in the Patent and Trademark Office at Reel,
     Frame, or for which a copy thereof is attached.
- Additional documents in the chain of title are listed on a supplemental sheet.
- Copies of assignments of other documents in the chain of title are attached.

The undersigned (whose title is supplied below) is empowered to sign this certificate on behalf of the assignee.

I hereby declare that all statements made herein of my own knowledge are true, and that all statements made on information and belief are believed to be true; and further, that these statements are made with the knowledge that willful false statements, and the like so made, are punishable by fine or imprisonment, or both, under Section

FINNEGAN HENDERSON FARABOW GARRETT& DUNNER LLP



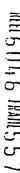
Name: <u>February 11, 2002</u>

Name: <u>Robert M. Rauker</u>

Title: <u>Senior Patent Counsel</u>

Signature: <u>Robert M. Rauker</u>

FINNEGAN HENDERSON FARABOW GARRETT & DUNNER LLP







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### ASSIGNMENT

WHEREAS, we, Thomas O. Bales, Charles R. Slater and Kevin W. Smith, hereinafter referred to as the "Inventors", citizens of U.S.A., whose post office addresses are

430 Loretto Avenue, Coral Gables, FL 33146; 1705 S.W. 4th Street, Fort Lauderdale, FL 33312; and 8940 S.W. 112th Street, Miami, FL 33176; respectively

have invented certain new and useful improvements in

## RADIAL JAW BIOPSY FORCEPS

as described and set forth in an application for Letters Patent of the United States of America, filed by us on the 10th day of May, 1990 as U.S. Serial No. 07/521,766.

AND WHEREAS, SYMBIOSIS CORPORATION

hereinafter referred to as the "said COMPANY", a corporation duly organized incorporated and existing under the laws of Florida and having a place of business at 8600 N.W. 41st Street, Miami, FL 33166

is desirous of acquiring or confirming its acquisition of the entire right, title and interest in and to said invention, inventions or improvements, and in and to said application, and in and to any and all patents, both of the United States and of all foreign countries, that may be obtained therefor;

NOW, THEREFORE TO ALL WHOM IT MAY CONCERN, BE IT KNOWN, that we, the Inventors, for good and valuable considerations, the receipt and sufficiency of which we hereby acknowledge, have sold, assigned, transferred and conveyed, and by this assignment do sell, assign, transfer and convey, unto said COMPANY, its successors and assigns, the entire right, title and interest throughout the world, in and to our invention, inventions or improvements described or set forth in said application, in any form or embodiment thereof, and in and to said application, and in and to any applications filed in any foreign country based thereon, including the right to file foreign applications under the provisions of any convention or treaty; and in and to any confirmation, divisional, continuation, continuation-in-part, or substitute application which may filed on said invention, inventions or improvements in the United States or in any foreign country; and in and to any and all patents, certificates, utility models, reissues, extensions, additions or confirmations thereof which may be granted in the United States or in any foreign country upon said invention, inventions or improvements, TO HAVE AND TO HOLD the same to the full end of the term or terms for which any and all such United States and foreign patents and grants may be issued on said invention, inventions or improvements.

AND we do hereby authorize and request the issuing authority to issue any and all of said United States and foreign patents on said application or applications to said COMPANY, its successors and assigns, as the assignee of the entire right, title and interest in and to the same, for the sole use and benefit of said COMPANY, its successors and assigns.

AND we do hereby covenant and warrant that we have full right to convey the entire right, title and interest herein assigned free and clear of all licenses, encumbrances and liens whatsoever, and that we have not executed and will not execute any instruments in conflict herewith.

AND we, for the conditions aforesaid, do hereby covenant and agree to and with the said COMPANY, its successors and assigns, that we, our executors, administrators, or other personal representatives, shall and will do all lawful acts and things, make all rightful oaths, and make, execute, and deliver any and all other instruments in writing, and any and all further applications, papers, powers, affidavits, assignments, disclaimers and other documents, which in the opinion of counsel for said

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COMPANY, its successors and assigns, may be required or necessary in this or in any foreign country more effectually to secure to and vest in said COMPANY, its successors and assigns, the entire right, title and interest in and to said invention, inventions, or improvements, application or applications, patents, rights, titles, benefits, privileges and advantages hereby sold, assigned, confirmed, transferred and conveyed.

IN WITNESS WHEREOF, we, Thomas O. Bales, Charles R. Slater and Kevin W. Smith, have hereunto set our hands and seals this  $12^{74}$  day of February, 1992.

of February, 1992.

This Roll 2021 (L.S.)
Inventor

Challe Material (L.S.)
Inventor

State of Florida

Dade County

Dade County

This Roll 2021 (L.S.)
Inventor

State of Florida

Dade County

Ss: Miami

BE IT KNOWN, that on this /2 //h day of February, 1992, personally appeared Thomas O. Bales, Charles R. Slater and Kevin W. Smith to me known and known to me to be the individuals described in and who executed the foregoing assignment and they acknowledged to me that they executed the same.

Notary Public

SEAL

My commission expires :

NOTARY PUBLIC, STATE OF FLORIDA. MY COMMISSION EXPIRES: JUNE 21, 1993. BONDED THRU NOTARY PUBLIC UNDERWRITERS. RECURDED ARAMEDARA CHA THETAN BOISTO

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PATENT Customer No. 22,852 Attorney Docket No. 06530.0290

## IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

First Named Inventor:	)
Thomas O. BALES et al.	)
Reissue Application for Patent No.: 6,024,708	) ) Prior Group Art Unit: 3736
Original Patent Issue Date: February 15, 2000	) Prior Examiner: S. Gilbert
For: RADIAL JAW BIOPSY FORCEPS	)
Box REISSUE Assistant Commissioner for Patents Washington, DC 20231 Sir:	

## REISSUE DECLARATION UNDER 37 C.F.R. § 1.175

We, Thomas O. BALES, Charles R. SLATER, and Kevin W. SMITH, hereby declare that:

- 1. We believe we are the original, first, and joint inventors of the subject matter claimed in U.S. Patent No. 6,024,708, granted February 15, 2000, and for which a reissue patent is sought on the invention entitled "RADIAL JAW BIOPSY FORCEPS."
- 2. We have reviewed and understand the contents of the above-identified reissue application, including the claims.
- 3. We acknowledge the duty to disclose information which is material to the examination of this reissue application in accordance with Title 37, C.F.R. § 1.56(a).
- 4. We believe that U.S. Patent No. 6,024,708 is partially inoperative because we claimed less than we had a right to claim in that patent. Thus, we respectfully request new claims 33-80 be added to broaden the scope of allowed independent

FINNECAN HENDERSON FARABOW GARRETT& DUNNER \*\*L®

Attorney Docket No. 06530.0290

claims 1 and 21 of the 6,024,708 patent. In particular, newly added independent claims 33 and 53 broaden the claimed subject matter of allowed claims 1 and 21, respectively. Claims 33 and 53 recite, among other things, an edge of the distalmost end of one of the jaws (or first jaw) includes teeth radially disposed about the center point, and an edge of the distalmost end of the other jaw (or second jaw) includes at least one tooth, whereas claims 1 and 21 recite "an edge of the distalmost end of each of the jaws includes teeth radially disposed about the center point." That is, the broadening language recites one jaw as having radially disposed teeth (though the claims still cover the instance where both jaws have radially disposed teeth. The language of dependent claims 34-52 and 54-64 substantially corresponds to that of dependent claims that issued in U.S. Patent No. 6,024,708. Similarly, we also request new claims 65-80 be added. These claims have similar language as the claims that issued in U.S. Patent No. 6,264,617, but independent claims 65 and 74 in this group recite one jaw as having radially disposed teeth.

- 5. All errors being corrected in the reissue application up to the time of filing of the present Declaration arose without any deceptive intention on our part.
- 6. We hereby declare that all statements made herein of our own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under section 1001 of Title 18 of the United States Code, and that such willful false statements may jeopardize the validity of the application or any patent issuing thereon.

FINNEGAN HENDERSON FARABOW GARRETT& OUNNER 11P

FINNEGAN HENDER 2004

Attorney Docket No. 06530,0290

Full Name of First Inventor	Inventor's Signature		Date
Thomas O. Bales	TLOBER	1	2-11-02
Residence			Citizenship
430 Loretto Avenue, Coral Gables, FL 33146			U.S.A.
Full Name of Second Inventor	Inventor's Signature		Date
Charles R. Slater			
Residence			Citizenship
1705 S.W. 4 <sup>th</sup> Street, Fort Lauderdale, Florida 33312			U.S.A.
Full Name of Third Inventor	Inventor's Signature		Date
Kevin W. Smith			
Residence		<del></del> .	Citizenship
8940 S.W. 112 <sup>th</sup> Street, Miami, Florida 33176			U.S.A.

FINNEGAN HENDERSON FARABOW GARRETT& DUNNER 11.P







UNITED TALES DEPARTMENT OF COMMERCE Patent and Trademark Office

ASSISTANT SECRETARY AND COMMISSIONER OF PATENTS AND TRADEMARKS Washington, D.C. 20231

DATE: 04/13/92

TO:

DONALD N. HALGREN 480 PLEASANT ST. WATERTOWN, MA 02172

UNITED STATES PATENT AND TRADEMARK OFFICE Demold No. Holgren

THE ENCLOSED DOCUMENT HAS BEEN RECORDED BY THE ASSIGNMENT DIVISION OF THE U.S. PATENT AND TRADEMARK OFFICE. A COMPLETE MICROFILM COPY IS AVAILABLE AT THE U.S. PATENT AND TRADEMARK OFFICE ON THE REEL AND FRAME NUMBER REFERENCED BELOW.

PLEASE REVIEW ALL INFORMATION CONTAINED ON THIS NOTICE. THE INFORMATION CONTAINED ON THIS RECORDATION NOTICE REFLECTS THE DATA PRESENT IN THE PATENT ASSIGNMENT PROCESSING SYSTEM. IF YOU SHOULD FIND ANY ERRORS, ON THIS NOTICE, PLEASE SEND A REQUEST FOR CORRECTION TO: U.S. PATENT AND TRADEMARK OFFICE, ASSIGNMENT BRANCH, NORTH TOWER BUILDING, SUITE 10C35, WASHINGTON, D.C. 20231

ASSIGNOR:

DOC DATE: 02/12/92

BALES, THOMAS O.

ASSIGNOR:

DOC DATE: 02/12/92

SLATER, CHARLES R.

ASSIGNOR:

DOC DATE: 02/12/92

REEL/FRAME 6046/0556

W SMITH, KEVIN W.

RECORDATION DATE: 03/19/92 NUMBER OF PAGES 004

DIGEST : ASSIGNMENT OF ASSIGNORS INTEREST

ASSIGNEE:

SYMBIOSIS CORPORATION A CORP. OF FLORIDA 8600 N.W. 41ST STREET MIAMI, FLORIDA 33166

SERIAL NUMBER 7-521766 FILING DATE 05/10/90 PATENT NUMBER ISSUE DATE 00/00/00

